

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

IN RE: AFLIBERCEPT PATENT
LITIGATION

**THIS DOCUMENT RELATES TO
CASE NO. 1:24-cv-00085-TSK**

MDL No.: 1:24-md-3103-TSK

**PLAINTIFF’S MOTION TO STRIKE DEFENDANT’S INEQUITABLE CONDUCT
AFFIRMATIVE DEFENSES AND TO DISMISS DEFENDANT’S INEQUITABLE
CONDUCT COUNTERCLAIMS**

Plaintiff Regeneron Pharmaceuticals, Inc. (“Regeneron”) respectfully requests that the Court strike under Federal Rule of Civil Procedure 12(f) Defendant Sandoz Inc.’s (“Sandoz”) inequitable conduct defenses (Nos. 14, 16) as to U.S. Patent Nos. 10,828,345 and 11,975,045 and dismiss under Federal Rule of Civil Procedure 12(b)(6) its inequitable conduct counterclaims (Countercl. Nos. 93 and 95) as to those same patents. In its amended affirmative defenses and counterclaims, Sandoz alleges that Regeneron engaged in inequitable conduct in the prosecution of certain asserted patents or their family members. These allegations fall far short of the Federal Circuit’s pleading standard for inequitable conduct because they either lack factual support or challenge attorney argument. Striking these defenses and dismissing the counterclaims will spare the parties and the Court needless discovery and attendant disputes and narrow the issues for trial. In further support of this motion, Regeneron relies upon the accompanying memorandum of law.

Date: January 31, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2025, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. Counsel of record for all parties will be served by the Court's CM/ECF system.

/s/ David R. Pogue

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